Before the
Federal Communications Commission
Washington, DC

In the matter of:		
	)	
Commission request for comment	)	
on the Schools and Libraries	)	
Eligible Services List	)	
for funding Year 2005	)	CC Docket No. 02-6
	)	

Reply Comments of Greg Weisiger

The comments contained here are my personal comments and do not necessarily represent the views of the commonwealth of Virginia. Any quotes used from these comments should be attributed to Greg Weisiger the individual and not representative of any other entity.

A number of thoughtful and well articulated comments were submitted to the Commission in the above referenced proceeding. In general, I agree with most suggestions from interested parties.

I reiterate my initial comments that the Eligible Services List (ESL) should include a host of documents with policy guidance for applicants within the ESL. This document would allow all players – applicants, vendors, SLD, and the Commission to have a single, clear point of reference when applying for discounts, evaluating applications, and preparing appeals. I realize this would be a rather large document but that fact should prompt the Commission to drastically simplify the program. On-Tech Consulting provided a good starting point with the list in their comments:

- Cost Allocation Guidelines for Products and Services that Contain Eligible and Ineligible Components
- Cost Allocation Guidelines for File Servers and Other Components
- Wide Area Network Fact Sheet
- On-Premise Priority 1 Equipment

In addition to my initial suggestion of including explanations of the various 30 percent rules, the ESL should also include, but not be limited to the following:

- Technology Plan Requirements
- Details of the Two Out of Five Year Internal Connection Order
- Competitive Bidding/470 posting requirements from the Ysleta Order
- Contract extension/renewal regulations/policies
- Contract content guidance from the Ysleta Order
- Proof of Postmark guidance
- Consortia requirements

- Entity numbers and the new Commission FRN requirement
- Instructional/Non-instructional building guidance
- CIPA Compliance guidance
- Discount Calculation guidance
- Document Retention Requirements
- Maintenance from the Third Order
- Economic Reasonableness: Please, more guidance on this issue

This list is by no means exhaustive but by placing all public policies before the Commission and public for review in a single document, there should be no mistake what is required of applicants and vendors for program compliance. The Fifth Order now requires the SLD to submit all non-public policies and application evaluation criteria to the Commission for review.

I also reiterate my initial suggestion that the Commission adopt a set of common sense principles for the Administrator to use when performing its duties. These principles should be broad in scope verses the current water torture approach of guidance through appeal decision. This has reached an unworkable stage with appeals stretching back three four or even five years. Crucial appeals such as the "30 percent unsubstantiated rule" have languished at the Commission for over a year while additional appeals of the same policy pile up at the Commission and Administrator.

The principles should be part of the ESL and open for public review. They should be very broad and encompass numerous Orders. For example, The Commission instructs the Administrator to review applications in their totality and balance expediency with reasonable review. Applications that fail to meet minimum processing standards per se, should not be immediately rejected, rather the violated processing standard should be evaluated with the application as a whole. Is the information available somewhere else on the application, or does the violation pose a negligible impact on application processing (such as inclusion of an additional line of a Form 471, Block 4 that has no consequence on the discount percentage)? And so on, through application review and even appeal.

This document would not be in conflict with current regulations or jeopardize the legal standing of audits, investigations or COMADs. It would allow fewer applicants to be denied funding for trivial reasons by giving the Administrator more leeway in processing and reviewing applications. It may lead to some appeals from applicants arguing that the Administrator was being subjective when rejecting or denying their application, but overall, appeals would be reduced. Fraudulent, wasteful or abusive applications would be dealt with as harshly as the severity of the waste, fraud, or abuse.

Seven years of case law and Orders piled one atop the other, becoming more prescriptive and confusing – supposedly guiding policies and actions of the Administrator, which in turn become more prescriptive and confusing has gotten out of control. It is quite clear why the Administrator employee turnover is so great both in Washington and with Administrator contractors. It is also clear why applicants are quick to turn E-Rate responsibility to consultants or underlings.

It is time for the Commission to clear the decks and start fresh with regulations that embrace the spirit of the Telecommunications Act. South Africa, it appears, has established an E-Rate of its own, ironically called "E-Rate." It is a simple 50 percent discount for all telecommunications services to schools. Sounds too good to be true?

Respectfully submitted this hot 27th day of August, 2004,

Greg Weisiger
14504 Bent Creek Court
Midlothian, Virginia 23112